

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

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**R.K., a minor, by and through her mother and next friend, J.K;**

**W.S., a minor, by and through her parent and next friend, M.S.;**

**S.B., a minor, by and through his parents and next friends, M.B and L.H.;**

**M.S., a minor, by and through her parent and next friend, K.P.;**

**T.W., a minor, by and through her parent and next friend, M.W.;**

**Case No. 3:21-cv-00853**

**Chief Dist. Judge Crenshaw**

**M.K., a minor, by and through her parent and next friend, S.K.;**

**E.W., a minor, by and through his parent and next friend, J.W.; and**

**J.M., a minor, by and through her parent and next friend, K.M;**

**and on behalf of those similarly situated,**

**Plaintiffs,**

**v.**

**BILL LEE, in his official capacity as Governor of Tennessee; PENNY SCHWINN, in her official capacity as Commissioner of the Tennessee Department of Education,**

**Defendants.**

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**PLAINTIFFS' MOTION FOR ATTORNEYS' FEES AND COSTS**

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**COME THE PLAINTIFFS, R.K., et al.** (hereinafter "Plaintiffs"), and hereby move this Court pursuant to 42 U.S.C. § 12205 and 42 U.S.C. § 1988 for an award of attorneys' fees and costs in this action. They show:

1. On November 11, 2021, in a legislative response to all three injunctions against the Governor's Executive Order 84, the Tennessee General Assembly passed a new law with provisions limiting masks and other accommodations in the schools. Tenn. Code Ann. § 14-1-101 *et seq.*

2. Plaintiffs in this case, immediately filed a fourth case, *R.K. II*, with Judge Crenshaw blocking these state law provisions as interfering with the ADA and Section 504 as well. *R.K. II*, 2021 U.S. Dist. LEXIS 236817 (M.D. Tenn. Dec. 10, 2021).

3. This matter is now ripe for addressing attorneys' fees and costs as the prevailing party as interim relief.

4. Plaintiffs hereby move for reasonable attorneys' fees and costs based upon contemporaneously filed Memorandum and Supporting Declarations.

5. For all these reasons in the Motion and accompanying Memorandum, Plaintiffs request the motion for attorneys' fees and expenses be granted.

Respectfully Submitted,

**GILBERT LAW, PLC**

/s Justin S. Gilbert

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***ATTORNEYS FOR PLAINTIFFS***

**CERTIFICATE OF SERVICE**

I certify that this Motion for Attorneys Fees and Costs was served upon counsel of record at the contact information below for the Defendants, through the Court's ECF filing system on December 23, 2021.

**GOVERNOR BILL LEE  
COMMISSIONER PENNY SCHWINN**

James R. Newsom (#6683)

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*ATTORNEY FOR GOVERNOR BILL LEE AND PENNY SCHWINN,  
IN THEIR OFFICIAL CAPACITY*

/s/ Jessica F. Salonus \_\_\_\_\_

**CERTIFICATE OF CONSULTATION**

I certify that Plaintiffs' counsel, Bryce Ashby, conferred with Jim Newsom regarding this motion and that Mr. Newsom's client respectfully declined to agree on this date, December 23, 2021.

/s/ Jessica F. Salonus \_\_\_\_\_